

REMARKS

Claims 1-18 are pending in the application upon entry of the amendments. Claims 1-18 have been amended for consistency and to better conform with U.S. patent practice. Favorable reconsideration in light of the amendments and the remarks which follow is respectfully requested.

The Amendments

Independent claim 7 has been amended to disclaim the compositions of the cited art by requiring a pharmaceutical composition consisting of only uridine-5'-monophosphate or cytidine-5'-monophosphate as pharmaceutically active ingredients. The remaining amended claims have been amended without changing the scope thereof to comply with U.S. patent practice.

The Indefiniteness-Utility Rejection

Claims 1-18 have been rejected under 35 U.S.C. §101 and §112 for indefiniteness and lacking patentable subject matter for not positively reciting the acts of the method of use. Claims 1-18 have been amended, without narrowing the scope thereof, to more clearly define the method and to conform with U.S. patent practice. Withdrawal of the rejections is therefore respectfully requested.

Claims 1-18 have been rejected under 35 U.S.C. §112, second paragraph, for indefiniteness with respect to the wording of some of the claims. The grammar and wording of the claims has been amended as suggested by the Examiner. One skilled in the art would readily understand the metes and bounds of claims 1-18.

The Art Rejections

Claims 1-18 have been rejected under 35 U.S.C. §102 over Block (WO 02/43746). Block discloses VIP and other polypeptides for the treatment of hypertension, especially pulmonary hypertension and arterial hypertension.

To establish anticipation, each and every claim feature must be disclosed in a single cited art document. Independent claim 1 recites a method for inhibiting maturation of dendritic cells for the treatment of a pulmonary disease which is associated with idiopathic pulmonary disease, hypersensitive pneumonia or diffused panbronchitis, comprising administering to a patient a peptide or a polypeptide containing SEQ ID NO. 4. Block fails to disclose, teach, or suggest inhibiting maturation of dendritic cells for the treatment of any disease. In other words, there is no disclosure or teaching or even mention of inhibiting the maturation of dendritic cells.

Moreover, Block fails to disclose, teach, or suggest inhibiting maturation of dendritic cells for the treatment of a pulmonary disease which is associated with idiopathic pulmonary disease, hypersensitive pneumonia or diffused panbronchitis. It is noted that treating of hypertension described by Block is completely different from and not equivalent to treating idiopathic pulmonary disease, hypersensitive pneumonia or diffused panbronchitis. Since Block does not disclose each and every feature of claim 1, Block cannot anticipate claims 1-18.

The Double Patenting Rejection

Claims 1-18 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting over co-pending application Serial Nos. 10/501,660 and 10/517,125. It is noted that claims 1-18 have been amended herein. The Examiner is therefore respectfully requested to reconsider the appropriateness of the double patenting rejection in view of the amendments to the claims.

Petition for Extension of Time

A request for a three month extension of time is hereby made (small entity status has been established). The petition fees are paid via the USPTO on line payment system.

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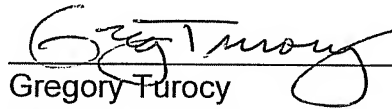
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Should the Examiner believe that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact Applicant undersigned representative at the telephone number listed below.

In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to our Deposit Account No. 50-1063.

Respectfully submitted,

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